

BILL SIGNING/VETOING FRENZY OVER

Working nearly up to the final minute, Governor Gray Davis completed action Monday, September 30, on the hundreds of bills sent to him by the Legislature during the final weeks of the just-concluded legislative session. On the final day alone, the Governor acted on 118 bills, signing 55 and vetoing 63.

[Overall](#) this year, the Governor signed 1168 bills (one became law without his signature) and vetoed 264 – not including line-item vetoes in 10 of the bills he signed.

GOVERNOR VETOES PUBLIC ATTORNEY WHISTLEBLOWER BILL

Among his very final actions Monday, Governor Davis vetoed [AB 363](#) ([Steinberg](#)), the bill to clarify the responsibilities and obligations of, and increase protections for, attorneys representing public agencies who desire to “blow the whistle” on improper or criminal activity within those agencies. The bill had been introduced in 2001, put on hold while various parties, including the State Bar’s Committee on Professional Responsibility & Conduct ([COPRAC](#)) sought to address the issue through an amended [Rule of Professional Conduct 3-600](#), and was resurrected when the Supreme Court [rejected](#) that amendment, citing statutory conflict.

The Governor’s [veto message](#) was brief and to the point: “While this bill is well intended, it chips away at the attorney-client relationship which is intended to foster candor between an attorney and client. It is critical that clients know they can disclose in confidence so they can receive appropriate advice from counsel. . . The effective operation of our legal system depends on the fundamental duty of confidentiality owed by lawyers to their clients.”

COURT FACILITIES, LEGAL DOCUMENT ASSISTANTS BILLS SIGNED

The state Judicial Council capped an excellent legislative year Monday by [announcing](#) that the Governor had signed into law of eight of their sponsored measures, including [SB 1732](#) ([Escutia](#)),

which transfers the ownership and financial responsibility of California’s 451 courthouses from the counties to the state, paving the way for needed repairs and renovations in many state courthouses.

The eight bills also included [AB 1698](#) (Assembly Judiciary Committee), which removed the sunset clause in, and added numerous consumer protections to, the Legal Document Assistants Act, and [SB 1396](#) ([Dunn](#)), which requires each of California’s 58 trial courts to prepare and implement a court security plan

TWO-THIRDS OF ADR PACKAGE ENACTED

Governor Davis signed into law four bills introduced by the leadership of the Assembly Judiciary to overhaul Alternative Dispute Resolution Practices and vetoed another – thereby negating the signing of a sixth bill.

Signed into law were [AB 2656](#) ([Corbett](#)), which requires arbitrators to begin posting specified information on the internet; [AB 2754](#) (Harman), which requires arbitrators and their clients to cease their relationship if they had financial dealings with each other; [AB 2504](#) ([Jackson](#)), which requires the disqualification of any judge who has arranged for or negotiated towards future employment or other compensated service as a dispute resolution neutral arbitrator; and [AB 2915](#) ([Wayne](#)), which prohibits “loser-pays” policies under which non-prevailing consumers are required to pay the fees and costs of opposing businesses, and implements administrative fee waivers for indigent consumers.

However, the Governor vetoed [AB 3029](#) ([Steinberg](#)), which proposed to give consumers a choice in selecting a private arbitrator, saying that: “This bill casts too wide a net and could have the unintended consequences of making California’s arbitration provisions so complex that national companies would not be willing to provide services in our state.” And by vetoing that bill, Davis negated his signing of [AB 3030](#) ([Corbett](#)), which proposed to set penalties for arbitrators who flout the new regulations, since that bill’s effectiveness was specifically contingent upon AB 3029 becoming law.